

IN THE

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

WILLIAM A. CARMICHAEL, District Director of the United States Immigration and Naturalization Service, Los Angeles, California, District No. 20,

Appellant,

vs.

WONG CHOON OCK,

Appellee.

Upon Appeal From the District Court of the United States for the Southern District of California, Central Division.

APPELLANT'S PETITION FOR REHEARING.

WM. FLEET PALMER,
United States Attorney,

RUSSELL K. LAMBEAU,
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Attorneys for Appellant.

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No. 9685

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To the Honorable, the Judges of the Above-Entitled Court:

WILLIAM A. CARMICHAEL, District Director of the United States Immigration and Naturalization Service, Los Angeles, California, District No. 20, appellant in the above-entitled matter, respectfully requests the above-entitled Honorable Court that he be granted a rehearing in the above-entitled cause after adverse decision made and entered on April 19, 1941, affirming the action of the United States District Court for the Southern District of California, Central Division, dismissing writ of *habeas*

corpus, and as grounds for said rehearing the appellant respectfully sets forth the following:

That the decision of this court is in conflict with an earlier decision of this same court in the case of *Kong Din Quong v. Hoff, District Director of Immigration, etc.* (C. C. A. 9, 1940), 112 Fed. (2d) 96. In our opinion the effect of the instant decision is to substitute the judgment of the court for the decision of the Board of Special Inquiry on a question of disputed fact, which was arrived at after weighing conflicting evidence.

Respectfully submitted,

WM. FLEET PALMER,
United States Attorney,

RUSSELL K. LAMBEAU,
Assistant U. S. Attorney,
Attorneys for Appellant.

I, counsel for the above named appellant, do hereby certify that the foregoing petition for rehearing of this cause is presented in good faith and not for delay.

RUSSELL K. LAMBEAU.

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